

REMARKS

Claims 1, 3-19, 21-32 are pending. By this amendment, claims 6 and 18 are cancelled and claims 1, 14, 27, and 28 are amended to incorporate subject matter of claims 6 and 18. No new matter is introduced. Reconsideration and prompt allowance of the claims is respectfully requested.

35 U.S.C. § 102 Rejections

Claims 1, 3-19, 21-28, and 29-32 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,832,448 to Brown (hereafter Brown). Applicants respectfully traverse this rejection.

Claims 6 and 18 are cancelled. Therefore, the rejections of claims 6 and 18 are rendered moot.

Brown is directed to a system and method for monitoring a group of patients having a chronic disease or ongoing health condition. The method collects from each patient a corresponding set of measurements of a control parameter of the health condition. The method further includes generating and displaying a group overview chart having one data point for each patient, and selecting from the group overview chart at least one of the patients represented thereon and transmitting supervisory instructions to the at least one selected patient.

However, Brown does not disclose or suggest “processing statistics from a plurality of patient sources and compiling a flagged list of patients each having at least one health parameter outside a preset range and presenting the flagged list for review by a clinician computer accessing the clinical statistics” as recited in amended claim 1. Claim 1 is amended to incorporate the limitations of claim 6. On page 3 of the Office Action, the Examiner states that “[e]ach given patient can produce data that is flagged, such as by the dotted circle (72) in display (26). Any patient that displays flagged data becomes a list of flagged patients.” Applicants respectfully disagree. The group overview chart 26 is illustrated in Figure 3 of Brown. The group overview chart 26 has data points for each patient indicating the compliance of the corresponding patient and the completeness of the corresponding patient’s measurements. (See column 7, lines 2-28 of Brown.) The “flagged” patients represented by the dotted circles 72 in Brown are selected from the chart 26 by clinicians (column 7, lines 30-33 of Brown), not compiled after statistical analysis. Therefore, Brown does not disclose or teach processing statistics from a plurality of patient sources to compile a flagged list of patients each having at least one health parameter outside a preset range. Furthermore, Brown’s monitoring system merely allows clinicians to communicate proactively with

unmotivated patients who have lost contact with the clinician before these patients develop urgent medical needs (column 8, lines 55-58 of Brown), and does not alert clinicians because one or more health parameters fall outside a preset range for each patient. Since none of the references discloses or suggests all of the elements of amended claim 1, claim 1 is allowable.

Claims 3-5, 7-13, and 29 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicant therefore respectfully requests withdrawal of the rejection of claims 1, 3-5, 7-13, and 29 under 35 U.S.C. §102 (e). With respect to claim 14, for the same reason as discussed with respect to claim 1, Brown does not disclose or teach "means for processing statistics from a plurality of patient sources and compiling a flagged list of patients each having at least one health parameter outside a preset range; and a display for presenting the flagged list to a user accessing the clinical statistics via a clinician computer" as recited in amended claim 14. Since none of the references discloses or suggests all of the elements of amended claim 14, claim 14 is allowable.

Claims 15-17, 19, 21-26, and 30 are allowable because they depend from allowable claim 14 and for the additional features they recite. Applicant therefore respectfully requests withdrawal of the rejection of claims 14-17, 19, 21-26, and 30 under 35 U.S.C. §102 (e).

With respect to claim 27, for the same reason as discussed with respect to claim 1, Brown does not disclose or teach "wherein the management computer processes statistics from a plurality of patient sources and compiling a flagged list of patients each having at least one health parameter outside a preset range; and a display for presenting the flagged list to a user accessing the clinical statistics via a clinician computer" as recited in amended claim 27. Since none of the references discloses or suggests all of the elements of amended claim 27, claim 27 is allowable.

Claim 31 is allowable because it depends from allowable claim 27 and for the additional features it recites. Applicant therefore respectfully requests withdrawal of the rejection of claims 27 and 31 under 35 U.S.C. §103 (a).

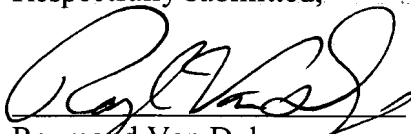
With respect to claim 28, for the same reason as discussed with respect to claim 1, Brown does not disclose or teach "means for processing statistics from a plurality of patient sources and compiling a flagged list of patients each having at least one health parameter outside a preset range and automatically presenting the flagged list to a user accessing the clinical statistics via a clinician computer" as recited in amended claim 28. Since none of the references discloses or suggests all of the elements of amended claim 28, claim 28 is allowable.

Claim 32 is allowable because it depends from allowable claim 28 and for the additional features it recites. Applicant therefore respectfully requests withdrawal of the rejection of claims 28 and 32 under 35 U.S.C. §103 (a).

In view of the above remarks, Applicants respectfully submit that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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